UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,901	04/14/2004	Florian Patrick Nierhaus	2003P18698US	6111

7590 07/10/2008

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER	
GAY, SONIA L	
ART UNIT	**PAPER NUMBER**
2614	

MAIL DATE	DELIVERY MODE
07/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/823,901	NIERHAUS, FLORIAN PATRICK	
	Examiner	Art Unit	
	SONIA GAY	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is submitted in response to Amendment 04/17/2008 in which claims 1- 29 are presented for examination.

Claim Rejections - 35 USC § 101

1. Claims 21-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 21 reads a "machine readable medium encoded with instructions that cause a data processing system to perform a method". A "machine readable medium" may be a barcode on a piece of paper. The language "machine readable" is not the same as "computer readable medium". A "signal" may also be read by a "machine".

Dependent Claims 22 – 29 are rejected for the same reason discussed above for Claim 21.

Claim Rejections - 35 USC § 103

1. Claims 1- 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 2006/0146994, continuation of application No. 10/184,789 filed on Jun. 28, 2002) in view of Davis et al. (US 2005/0021344).

For claim 1, Koch discloses a conferencing method comprising:

receiving first conference-endpoint data from a first conference type identifier specifying a second conference type for a second endpoint participating in a conference with the first endpoint; ([0037] [0038])

reading conference type identifier from a memory, the conference type identifier specifying a second conference type for a second endpoint participating in the conference with the first endpoint; ([0034][0049])

determining whether the second conference type is different than the first conference type; ([0038])

selecting a conversion program based whether the second conference type is different than the first conference type; ([0038])

reading an endpoint identifier for the first endpoint; ([0037] [0038])

initiating execution of the conversion program on the first conference- endpoint data to prepare converted first conference-endpoint data compatible with the second conference type from the first conference-endpoint data; ([0040] [0041] [0044] [0051] [0052])

Yet, Koch fails to teach selecting and specifying a conversion parameter for the conversion program based on the endpoint identifier.

However, Davis et al. discloses selecting and specifying a conversion parameter for the conversion program based on the endpoint identifier ([0017] [0018] [0019] [0020]) for the purpose of personalizing the system to provide a rich end -user experience through the use of user-specific simulated voice prints and/or language translation ([0015]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Koch with the teachings of Davis et al. to include conversion parameters such as voice prints or language-type with the user information stored in the data store disclosed in Koch ([0057]) for the purpose of personalizing the conversion program to provide a rich end-user experience.

For claim 2, Koch further discloses where the first conference type is a text messaging conference, and where the second conference type is a voice conference. (Koch, [0031])

For claim 3, Koch further discloses where the act of initiating execution of the conversion program comprises initiating execution of a text-to-speech translator. (Koch, [0040])

For claim 4, Koch further discloses where the act of initiating execution of the conversion program comprises initiating execution of a speech-to-text translator. (Koch, [0044])

For claim 5, Koch further discloses where the act of transmitting the converted first conference-endpoint data and a first endpoint identifier to the second endpoint. (Koch, [0051])

For claim 7, Koch further discloses receiving second conference-endpoint data for the second conference type from the second endpoint; (Koch, [0052] [0053]) preparing converted second conference-endpoint data; (Koch, [0053]); and transmitting the second converted conference-endpoint data to the first endpoint. ([0053])

For claim 8, Davis et al. further discloses where the act of initiating execution of the conversion program comprises initiating execution of a text-to-speech translator, and further comprising the act of selecting a voice for at least one of the first and second endpoints. (Davis et al., [0017])

For claim 9, Davis et al. further discloses where at least one of first conference type and second conference type is at least one of a decentralized text messaging conference and a centralized text messaging conference. (Davis et al., [0015] [0016])

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 2006/0146994, continuation of application No. 10/184,789 filed on Jun. 28, 2002) in view of Davis et al. (US 2005/0021344), and further in view of Cruickshank(US 6, 816,468).

The teachings of Koch and Davis et al. fail to teach where the act of transmitting comprises transmitting the first conference-endpoint data and the converted first conference-endpoint data to the second endpoint.

However, Cruickshank discloses where the act of transmitting comprises transmitting the first conference-endpoint data and the converted first conference-endpoint data to the second endpoint for the purpose of identifying the identity of the first endpoint. (column 12 lines 40 -45)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Koch and Davis et al. with the teachings of Cruickshank to send the first-conference endpoint data and the converted first conference-endpoint data to the second endpoint for the purpose of identifying the identity of the first endpoint.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 2006/0146994) in view of Davis et al. (US 2005/0021344), and further in view of Cutaia (US 2004/0225501).

The teachings of Davis et al. further discloses where reading an endpoint identifier comprises reading a name indicia that identifies the source of the first conference-endpoint data (Davis et al., [0017]), yet the teachings of Koch and Davis et al. fail to teach where the

conversion parameter comprises a voice model conversion parameter that distinguishes between male and female voice production.

However, Cutaia discloses a conversion parameter that comprises a voice model conversion parameter ([0004][0005]) for the purpose of distinguishing between male and female voice production. ([0002])

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Koch and Davis et al. with the teachings of Cutaia to include a voice model conversion parameter as one of the indicia disclosed in Davis et al. ([0017]) for the purpose of producing a voice with the text-to-speech module that distinguishes between the gender of the source of the text message.

4. Claims 11-13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (US 2004/0015550), in view of Anvekar et al. (US 2003/0054844), and further in view of Smyth et al. (US 7,007,098).

For claim 11, Nakumura discloses a conference system (*teleconferencing server :* Abstract) comprising:

a memory comprising : a first conference-endpoint data for a first conference type received from a first endpoint; [0041][0042])

a conference type identifier specifying a second conference type for a second endpoint participating in a conference with the first endpoint;([0041] [0042])

a conversion program operable to prepare converted first conference endpoint data compatible with the second conference type from the first conference endpoint data;([0044] [0045]), and

determining whether the second conference type is different than the first conference type and to execute the conversion program when the second conference type is different than the first conference type.([0045])

Yet, Nakamura fails to teach a processor where the processor is further operable to filter, according to a filter criteria, the first conference-endpoint data, the second conference - endpoint data, or both to eliminate endpoint data that would otherwise be communicated to the first endpoint, the second endpoint, or both.

However, Anvekar et al. discloses a teleconference server that typically includes a memory in communication with the processor for the purpose of performing instructions stored within the server. ([0067][0068])

Moreover, Smyth et al. discloses a teleconference server with a processor (column 5 lines 43 – 45) where the processor is further operable to filter, according to a filter criteria, the first conference-endpoint data, the second conference - endpoint data, or both to eliminate endpoint data that would otherwise be communicated to the first endpoint, the second endpoint, or both(column 2 lines 35 – 46; column 3 line 51 – column 4 line 2) for the purpose of reducing the use of processor resources (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Nakamura with the teachings of Anvekar et al. and Smyth et al. for the teleconference server disclosed in Nakamura to include a

memory and processor where the is further operable to filter, according to a filter criteria, the first conference-endpoint data, the second conference - endpoint data, or both to eliminate endpoint data that would otherwise be communicated to the first endpoint, the second endpoint, or both for the purpose of operating the teleconference server while conserving the use of processor resources.

For claim 12, Nakamura further discloses where the first conference type is a text messaging conference, and where the second conference type is a voice conference. (Nakamura, [0041] [0044])

For claim 13, Nakamura further discloses where the conversion program comprises at least one of a text-to-speech translator and a speech-to-text translator. (Nakamura, [0044])

For claim 20, Smyth et al. further discloses where the filter criteria comprises an n-loudest filter criteria for procession only endpoint data only from n-loudest endpoints connected to a conference , including the first and second endpoints. (Smyth et al., column 2 lines 35 – 46; column 3 line 51 – column 4 line 2)

5. Claims 14 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (US 2004/0015550), in view of Anvekar et al. (US 2003/0054844), and further in view of Smyth et al. (US 7,007,098), and further in view of Koch (US 2006/0146994).

For claim 14, the teachings of Nakamura, Avenkar et al., and Smyth et al. fail to disclose where the conversion program comprises a text-to-speech translator, and where the memory comprises a speech-to-text translator.

However, Koch discloses a conversion program which contains a text-to-speech and speech-to-text translator for the purpose of providing real-time conversation among a plurality of disparate communication devices. (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Nakamura, Avenkar et al., and Smyth et al. with the teachings of Koch for the format conversion program disclosed above in Nakamura to contain a text-to-speech and speech-to-text translator for the purpose of providing real-time conversation among a plurality of disparate communication devices.

For claim 15, Nakamura and Koch further disclose where the memory further comprises second conference-endpoint data for the second conference type received from the second endpoint; (Nakamura, [0041][0042]) and, where the processor executes the text-to speech translator on the first conference -endpoint data to prepare the converted first conference-endpoint data (Nakamura, [0044]), and executes the speech-to-text translator on the second conference-endpoint data to prepare converted second conference-endpoint data. Koch, [0052][0053])

For claim 16, Nakamura and Koch further disclose where the processor initiates transmission of the converted first-endpoint data to the second endpoint; (Koch, [0051]) Nakamura, [0046]) and, initiates transmission of the second converted conference-endpoint data to the first endpoint. (Koch, [0053]; Nakamura, [0046])

For claim 17, Nakamura and Koch further disclose where the processor initiates transmission of the converted first conference-endpoint data and a first endpoint identifier to the second endpoint. (Koch, [0051]; Nakamura, [0046])

6. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (US 2004/0015550), in view of Anvekar et al. (US 2003/0054844), and further in view of Smyth et al. (US 7,007,098), and further in view of Koch (US 2006/0146994), and further in view of Davis et al. (US 2005/0021344).

For claim 18, the teachings of Nakamura, Avenkar et al., Smyth et al., and Koch fail to teach where at least one of first conference type and second conference type is at least one of a decentralized text messaging conference and a centralized text messaging conference

However, Davis et al. discloses where at least one of first conference type and second conference type is at least one of a decentralized text messaging conference and a centralized text messaging conference for the purpose of enabling phone users to participate in an instant messaging based conference. (Abstract; **[0015]** **[0016]**)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Nakamura, Avenkar et al., Smyth et al., and Koch with the teachings of Davis et al. for the text messaging disclosed above in Koch to be a decentralized or centralized text messaging conference for the purpose of enabling phone users to participate in an instant messaging based conference.

For claim 19, Davis et al. further discloses where the conversion program is a text-to-speech translator, and where the memory further comprises voice data for a voice for at least one of the first and second endpoints. (Davis et al., [0017])

7. Claims 21, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (US 2004/0015550), in view of Geofroy et al. (US 7,124,163).

For claim 21, Nakamura discloses a machine readable medium encoded with instructions (*teleconference sever with memory* : [0042]) that cause a data processing system to perform a method comprising the steps of:

retrieving first conference-endpoint data for a first conference type received from a first endpoint from a memory; ([0041][0042])

determining a second conference type for a second endpoint participating in a conference with the first endpoint; ([0042] [0044])

determining whether the second conference type is different than the first conference type; ([0042][0044])

initiating preparation of converted first-endpoint data compatible with the second conference type from the first conference-endpoint data when the second conference type is different than the first conference type; ([0044]) and,

initiating transmission of the converted first-endpoint data to the second endpoint. ([0046])

Yet, Nakamura fails to teach decoding the first conference-endpoint data with a first Coder/Decoder (CODEC) to obtain decoded first conference-endpoint data; and, whereby

initiating preparation includes recoding the decoded first conference-endpoint data by applying a specific CODEC, different than the first CODEC, on the decoded first conference-endpoint data.

However, Geofroy et al. discloses data/media servers with machine readable mediums encoded with instructions for the purpose of performing a variety of basic and enhanced services in telephony networks or typical data exchange services of the sort which occur over the Internet including transcoding between different codec types and converting text to speech or speech to text. (column 2 lines 5 – 20)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Nakamura with the invention disclosed in Geofroy et al. for the media server disclosed above in Nakamura to decode the first conference-endpoint data with a first Coder/Decoder (CODEC) to obtain decoded first conference-endpoint data and recode the decoded first conference-endpoint data by applying a specific CODEC, different than the first CODEC, on the decoded first conference-endpoint data for the purpose of providing a conferencing services between disparate communication devices.

For claim 22, Geofroy et al. further discloses negotiating with the second endpoint to determining the specific CODEC for the second endpoint. (Geofroy et al., column 2 lines 5 – 20)

For claim 24, Nakamura further discloses retrieving second conference-endpoint data for the second conference type received from the memory; (Nakamura, [0041][0042]) initiating preparation of converted second-endpoint data compatible with the first conference type from the second conference-endpoint data; (Nakamura, [0044]), and initiating transmission of the converted second-endpoint data to the first endpoint. (Nakamura, [0044][0046])

8. Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (US 2004/0015550), in view of Geofroy et al. (US 7,124,163), and further in view of Koch.

For claim 23, the teachings of Nakamura and Geofroy et al. fail to disclose where the conversion program comprises a text-to-speech translator, and where the memory comprises a speech-to-text translator.

However, Koch discloses a conversion program which contains a text-to-speech and speech-to-text translator for the purpose of providing real-time conversation among a plurality of disparate communication devices. (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Nakamura and Geofroy et al. with the teachings of Koch for the conversion program disclosed above in Nakamura to contain a text-to-speech and speech-to-text translator for the purpose of providing real-time conversation among a plurality of disparate communication devices

For claim 25, Koch further discloses where transmitting further comprises transmitting a first endpoint identifier to the second endpoint. (Koch, [0051])

9. Claims 26 - 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (US 2004/0015550), in view of Geofroy et al. (US 7,124,163), and further in view of and further in view of Koch (US 2006/0146994, continuation of application No. 10/184,789 filed on Jun. 28, 2002), and further in view of Davis et al. (US 2005/0021344).

For claim 26, the teachings of Nakamura, Geofroy et al., and Koch fail to disclose that the second conference type is an instant messaging conference and where initiating transmission comprises initiating transmission of the converted first-endpoint data according to a pre-selected instant messaging protocol.

However, Davis et al. discloses that the second conference type is an instant messaging conference and where initiating transmission comprises initiating transmission of the converted first-endpoint data according to a pre-selected instant messaging protocol ([0019]) for the purpose of enabling phone users to participate in an instant messaging based conference (Abstract).

For claim 27, Davis et al. discloses where the act of initiating preparation comprises initiating execution of a text-to-speech translator, and further comprising the act of selecting a voice for at least one of the first and second endpoints.(Davis et al., [0017])

For claim 28, Davis et al. further discloses where at least one of the first conference type and second conference type is at least one of a decentralized text messaging conference and a centralized text messaging conference. (Davis et al., [0015][0016])

For claim 29, Davis et al. further discloses reading an endpoint identifier and establishing aiding data for speech-to-text translation associated with the endpoint identifier. (Davis et al., [0017])

Response to Arguments

10. Applicant's arguments with respect to claims 1- 29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/
Examiner, Art Unit 2614

July 2, 2008

/Ahmad F. MATAR/
Supervisory Patent Examiner, Art Unit 2614